

storing the data from the at least one project management tool in the program office database.

*Sub 63*  
[62.] **63.** A system for managing at least one program including a plurality of projects, comprising:

*3*  
*Review*  
at least one program office database storing:

informational data associated with projects and programs;

financial data associated with the projects, and programs;

schedule and progress data associated with the projects, and programs;

personnel data associated with persons having responsibility associated with the projects and programs, the personnel data including a unique person identifier for each person;

security data having an assignment of at least one role to each person and an assignment of at least one update authorization to certain persons having oversight responsibility;

data associated with translating progress milestones defined in the projects to tactics defined in the system; and

update data associated with the progress, actual expenditures, and labor resources of the projects and programs;

at least one user interface operable to display and allow access to the data stored in the program office according to a predetermined security scheme based on the person identifier, role and update authorization assignment stored in the at least one program office database, and further operable to receive the update data on a periodic basis.

#### REMARKS

Applicants have carefully reviewed this Application in light of the first Office Action mailed March 28, 2000. Applicants believe all pending claims are allowable over the cited references. However, in order to advance prosecution of this case, Applicants have amended Claim 1 in order to clarify and further describe various inventive concepts. Applicants make no admission that this amendment was necessary or was made as a result of any prior art. Accordingly, Applicants respectfully request reconsideration and favorable action in this case.

The Examiner objects to the Abstract of the disclosure because it is more than 25 lines. Applicants appreciate the careful attention the Examiner has paid to the specification. As a result, the specification has been amended appropriately. Specifically, Applicants have replaced the Abstract with text that is formatted in accordance with the Examiner's suggestion and that contains no new matter. Accordingly, Applicants respectfully request that the Examiner withdraw the objection to the Abstract.

The Examiner also kindly noted that the numbering of some of the claims as originally filed was not in accordance with the 37 C.F.R. 1.126, which requires the original numbering of the claims to be preserved throughout the prosecution. The Examiner kindly noted that originally misnumbered claims 25-62 have been renumbered 26-63, and Applicants have numbered the claims and the dependencies therein in accordance with the Examiner's suggestion.

#### **Rejections Under 35 U.S.C. § 102**

The Examiner has rejected Claims 1, 2, 4-8, 16, 20, 23 and 63 as being anticipated by Knudson et al., U.S. Patent No. 5,765,140 ("Knudson"). Applicants respectfully traverse this rejection.

To anticipate a claim, the reference must teach every element of the claim. See Manual of Patent Examining Procedure (MPEP) § 2131. Applicant respectfully submits that Knudson does not disclose each and every limitation of the invention as presently claimed. Knudson discloses a dynamic project management system that includes a server network and a master database. The network may be configured for translating a project plan including a plurality of tasks to be performed by users of the network into the master database to affect an assignments table. (Knudson, Abstract). The assignments table includes a list of project tasks assigned for completion by each of the users. (*Id.*)

Knudson further discusses that project managers may periodically track and control project progress in accordance with "the previously defined time schedules" (Column 7, lines 40 – 46). This project progress is tracked by using a list of project tasks assigned for completion in an assignments table in the master database. (Column 6, lines 4 – 11). The assignments table lists "assigned tasks for one or more projects for each of the identified users". (Column 6, lines 12 – 14). Knudson further describes the assignments table as being

used "for assigning project tasks to users identified by their user profiles, which maybe updated to "adjust assigned tasks and time schedules as required for the various identified users". (Column 6, lines 31 – 32; Column 7, lines 40 – 47).

Applicants appreciate the Examiner pointing out particular portions in Knudson that the Examiner feels relate to elements that are included in Claim 1. For example, the Examiner asserts that Knudson "also discloses in data associated with translating progress milestones. See Col. 11, lines 38 – 40, Col. 12, lines." However, the portions cited by the Examiner refer to Claims 9 and 13. More specifically, the cited portions refer to a method that includes "translating said project plan into said master database to affect an assignments table including a list of project tasks assigned for completion by each of said users" and "translating a plurality of said projects into a common assignments table to affect time sheets for said users containing all project tasks for each user". As discussed above, Knudson is limited to teaching the use of assignments tables to maintain and adjust assigned tasks and time schedules for identified users.

In contrast, amended Claim 1 recites a program office management system that requires, in part, "a program office database storing . . . data associated with translating progress milestones defined in the projects to tactics defined in the system". Support for the above recitation can be found at page 14, lines 12-24 of Applicants' specification. Knudson thus at the very least fails to disclose such a program office management system. Therefore, Applicant respectfully submits that Claim 1 is not anticipated by Knudson. Applicants thus respectfully request reconsideration and allowance of Claim 1. As dependent Claims 2, 4 – 8, 16, 20, and 23 are patentable for the same reasons as Claim 1 is patentable, Applicants respectfully request reconsideration and allowance of Claims 2, 4 – 8, 16, 20, and 23.

Claim 63 similarly recites, in part, "a system for managing at least one program including a plurality of projects, comprising at least one program office database storing . . . data associated with translating progress milestones defined in the projects to tactics defined in the system". Applicants respectfully submit that the Examiner has impermissibly failed to consider each and every limitation found in Claim 63. "All words in a claim must be considered in judging the patent ability of that claim against the prior art," MPEP Section 2143.03 (*In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970)).

Again, Applicants appreciate the Examiner pointing out particular portions in Knudson that the Examiner feels relate to elements that are included in Claim 63. However, as discussed above, Knudson at the very least fails to disclose "at least one program office

database storing ... data associated with translating progress milestones defined in the projects to tactics defined in the system", as required by Claim 63. For at least the above reasons, Claim 63 is also patentably distinct from Knudson. Applicants thus respectfully request reconsideration and allowance of Claim 63.

### **Rejections Under 35 U.S.C. §103**

At the outset, Applicants note with appreciation the careful attention that the Examiner has given to each of the claims in the Section 103 rejections. However, Applicants respectfully traverse each of these Section 103 rejections. These rejections are discussed in more detail below. First, the rejections of claims depending from Claim 1 are moot in light of the discussion with respect to Claim 1. More specifically, in light of this amendment to Claim 1, the Examiner's rejection of Claims 3, 9, 10, 13, 14, and 15 are rendered moot. Therefore, for at least the above reasons, Applicants respectfully submit that the rejections of Claims 3, 9, 10, 13, 14, and 15 are improper and that these claims are independently allowable over the cited prior art. Applicants respectfully request reconsideration and allowance of Claims 3, 9, 10, 13, 14, and 15.

Second and more importantly, however, Applicants note that the Examiner has not pointed to any language from the cited references or any evidence in the prior art that would teach or suggest combining these references. The Examiner merely provides a series of "it would be obvious" conclusory statements to form these rejections. These statements improperly use impermissible hindsight reconstruction without showing where in the references there is a suggestion for their combination. Moreover, even if these references could be properly combined, the combinations do not render the claims obvious.

According to the MPEP:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2143.

The Examiner has rejected Claim 3 as being unpatentable over Knudson as applied to Claim 1 above, and further in view of Gary Hamel et al., *THE E-CORPORATION: More than just Web-based, it's building a new industrial order*. ("Gary Hamel") In rejecting Claim 3, the Examiner acknowledges that Knudson "fails specifically to disclose in a web-based user interface" and further asserts that "Gary Hamel et al. disclose in a web-based user interface. See pp. 81 - 82. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson's system in such that it would use web. This is because it would improve Knudson's system to be web integrity". (Paper 7, PP. 5 - 6) However, the Examiner has not pointed to any language from the cited references or any evidence in the prior art that would teach or suggest combining these references. The Examiner merely provides an "it would be obvious" conclusory statement using impermissible hindsight reconstruction without showing where in the references there is a suggestion for their combination. Nothing in the teachings of Gary Hamel can be inferred to teach how to implement such a program office management system, nor does Gary Hamel suggest that such a system would be advantageous.

Rather, Gary Hamel discusses the author's views of expectations that will "reverberate throughout the economy, affecting every business in eight major ways." (p. 82). The portions cited by the Examiner discuss merely that "a real E-corp isn't just using the Internet to alter its approach to markets and customers; it's combining computers, the Web, and the massively complex programs known as enterprise software to change *everything* about how it operates." (p. 82). However, the "eight major ways" discussed by the author address different problems than the ones Applicants are trying to solve – the "eight major ways" include topics entitled "When Push Comes to Suck", "Just the Plain Truth", "As You Like It", "Everything's an Auction", "The End of Geography", "Search Economies Rule", "My Place, My Time", and "Word of Mouse." (pp. 82-91). These topics discuss Internet issues from a viewpoint such as consumer needs or distribution economies, issues not addressed by either Knudson or Applicants' invention. In fact, the author states that "Any company that denies consumers convenience and value to protect an entrenched channel is fighting history: Consumers will not be denied." (p. 92).

Moreover, the improper Knudson – Gary Hamel combination still does not teach, suggest, or disclose the claimed aspects of Applicants' invention as a whole. As merely one example, nothing in either Knudson or Gary Hamel teaches a system for managing at least one program including a plurality of projects that includes "at least one program office

database storing . . . data associated with translating progress milestones defined in the projects to tactics defined in the system". Moreover, nothing in the combination suggests that such a system would be advantageous. Thus, for at least these reasons, Applicants respectfully submit that these references do not make Applicants' invention obvious as a whole. Therefore, for at least the above reasons, Applicants respectfully submit that the rejection of Claim 3 is improper and that this claim is independently allowable over the cited prior art. Applicants respectfully request reconsideration and allowance of Claim 3.

As another example, the Examiner has rejected Claims 9, 13 and 14 as being unpatentable over Knudson as applied to Claim 1 above, and further in view of Bates William, *Improving project management: better project management begins with a project management office*. ("Bates William") The Examiner asserts that although Knudson fails specifically to disclose having a senior management role, Bates William discloses having a senior management role within the business unit. However, the Examiner again conclusorily states that it would be obvious to "modify Knudson's system that such it have a senior management role. This is because it would improve Knudson's system to have an organized business method." (Paper 7, p. 6). However, nothing in the teachings of Bates William can be inferred to teach how to implement such a program office management system as claimed by Applicants, nor does Bates William suggest that such a system would be advantageous.

Rather, Bates William is a three-page article that discusses the concept of establishing a project management office (PMO). The article discusses, for example, in four bulleted points the roles and functions of a PMO that depend on the requirements of a specific organization, along with a number of 'functions' that could be included within each of the major functions. (p. 1). The article also discusses a "core of project directors or managers who can be assigned to major projects ... and provide coaching and consulting services to other project managers." (p. 2).

Moreover, the improper Knudson-Bates William combination still does not teach, suggest, or disclose the claimed aspects of Applicants' invention as a whole. As merely one example, nothing in either Knudson or Bates William teaches a system for managing at least one program including a plurality of projects that includes "at least one program office database storing ... data associated with translating progress milestones defined in the projects to tactics defined in the system". Moreover, nothing in the combination suggests that such a system would be advantageous. Thus, for at least this reason, Applicants respectfully submit that these references do not make Applicants' invention obvious as a whole. Therefore, for at

least the above reasons, Applicants respectfully submit that the rejections of Claims 9, 13, and 14 are improper and that these claims are independently allowable over the cited prior art. Applicants respectfully request reconsideration and allowance of Claims 9, 13, and 14.

The Examiner has rejected Claims 10 and 15 as being unpatentable over Knudson as applied to Claim 1 above, and further in view of *A Guide to the Project Management Body of Knowledge* ("PMBK"). In this rejection, the Examiner acknowledges that Knudson "fails specifically to disclose in a role hierarchy roles associated with data access, assigning at least one role relevant to the out leased one project to each person. PMBK discloses in a role hierarchy roles associated with data access, assigning at least one role relevant to the at least one project to each person. . . . Therefore, it would have been obvious to one of ordinary skill in the art . . . to modify Knudson's system such that it have an hierarchy of roles . . . because it would improve Knudson's system to have hierarchy roles integrity." (Paper 7, pp. 8 – 9.)

PMBK discloses that the Project Management Body of Knowledge (PMBOK) is "an inclusive term that describes the sum of knowledge within the profession of project management... and that [the reference] identifies and describes that subset of the PMBOK which is *generally accepted*." (p. 2). The reference teaches a number of figures that illustrate overviews of various levels of "Project Management." (pp. 7, 41, 48, 60, 74, 84, 94, 104, 109, 112, and 124). However, the Examiner has again not pointed to any language from the cited references or evidence in the prior art that would teach or suggest combining these references, but rather has provided yet another "it would be obvious" conclusory statement using impermissible hindsight reconstruction. Again, nothing in the teachings of PMBK can be inferred to teach how to implement such a program office management system as claimed by Applicants, nor does PMBK suggest such a system would be advantageous.

The improper Knudson – PMBK contribution still does not teach, suggest or disclose the claimed aspects of Applicants' invention as a whole. As merely one example, nothing in either Knudson or PMBK teaches a system for managing at least one program including a plurality of projects that includes "at least one program office database storing ... data associated with translating progress milestones defined in the projects to tactics defined in the system".

For at least the above reasons, Applicants respectfully submit that Knudson and PMBK, alone or in combination, fail to disclose, teach or suggest Applicants' invention as recited in Claims 10 and 15. Claims 10 and 15 are therefore patentable. Applicants respectfully request reconsideration and allowance of Claims 10 and 15.

The Examiner has also rejected Claims 32, 35, 38-40, 42, 60-62 as being unpatentable over Knudson in view of PMBK. Applicants respectfully submit that the Examiner has again impermissibly failed to consider each and every limitation found in Claim 32, as per *Wilson*.

Independent Claim 32 recites a method of managing a program office that requires, in part, "mapping milestones defined in the at least one project to tactics defined in the program office database for reporting purposes." As discussed above, Knudson fails to teach such a method of managing a program office. PMBK also fails to teach such a method.

The Examiner acknowledges only that Knudson "fails specifically to disclose in a role hierarchy roles associated with data access, assigning at least one role relevant to the out leased one project to each person. PMBK discloses in a role hierarchy roles associated with data access, assigning at least one role relevant to the at least one project to each person. . . . Therefore, it would have been obvious to one of ordinary skill in the art . . . to modify Knudson's system such that it have an hierarchy of roles . . . because it would improve Knudson's system to have hierarchy roles integrity." (Paper 7, pp. 8 – 9). Again, the Examiner has not pointed to any language from the cited references or evidence in the prior art that would teach or suggest combining these references, but rather has provided another "it would be obvious" conclusory statement using impermissible hindsight reconstruction. Nothing in the teachings of PMBK can be inferred to teach how to implement such a method, nor does PMBK suggest that such a method would be advantageous.

For at least the above reasons, Applicants respectfully submit that Knudson and PMBK, alone or in combination, fail to disclose, teach or suggest Applicants' invention as recited in Claim 32. Claim 32 is therefore patentable. Applicants respectfully request reconsideration and allowance of Claim 32. The Examiner also makes a series of similar "it would be obvious" conclusory statements using the above references to reject Claims 35, 38, 39, 42, 60, and 61. (Paper 7, pp. 9-11). Again, such statements do not provide a proper basis for rejecting these claims. For at least the above reasons, Applicants respectfully submit that Knudson, PMBK, and Bates William, alone or in combination, fail to disclose, teach or suggest Applicants' invention as recited in these claims. Moreover, as dependent claims, Claims 35, 38 – 40, 42, 60 – 62 are patentable for at least the same reasons as Claim 32 is patentable. Applicants respectfully request reconsideration and allowance of Claims 35, 48 – 40, 42, 60 – 62.



The Examiner has rejected Claims 33 and 59 as being unpatentable over Knudson in view of PMBK as applied to Claim 32, and further in view of Bates William. The Examiner asserts that although Knudson fails specifically to disclose having a senior management role, Bates William discloses having a senior management role within the business unit. However, the Examiner again utilizes a conclusory "it would be obvious statement to "modify Knudson's system that such it have a senior management role. This is because it would improve Knudson's system to have an organized business method." (Paper 7, p. 12).

As claims depending from allowable independent Claim 32, Claims 33 and 59 are patentable. Moreover, for at least the above reasons as discussed in conjunction with Claims 1 and 32, Applicants respectfully submit that Knudson, PMBK and Bates William, alone or in combination, fail to disclose, teach or suggest Applicants' invention as recited in Claims 33 and 59. Claims 33 and 59 are therefore patentable. Applicants respectfully request reconsideration and allowance of Claims 33 and 59.

The Examiner has rejected Claim 58 as being unpatentable over Knudson as applied to Claim 33 above, and further in view of Gary Hamel et al. Applicants respectfully traverse this rejection. The Examiner merely utilizes the same and improper conclusory "it would be obvious" statement for this rejection as was applied to claim 3. (Paper 7, pp. 5-6; pp. 12-13). As a claim depending from allowable independent Claim 32, Claim 58 is patentable. Moreover, for at least the above reasons as discussed in conjunction with Claims 1 and 3, Applicants respectfully submit that Knudson and Gary Hamel alone or in combination, fail to disclose, teach or suggest Applicants' invention as recited in Claim 58. Claim 58 is therefore patentable. Applicants respectfully request reconsideration and allowance of Claim 58.

#### **Allowable Subject Matter**

Applicants appreciate the Examiner's statement that Claims 11-12, 17-19, 24-31, 34, 36-37, 41, 43-50 and 51-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants believe that, in light of the amendment and above remarks, all pending claims, including Claims 11-12, 17-19, 24-31, 34, 36-37, 41, 43-50 and 51-57 are allowable in current form, but request to defer rewriting the claims objected to in independent form until the above remarks are addressed during subsequent prosecution.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case, the undersigned attorney for Applicants stands willing to conduct such a telephone interview at the convenience of the Examiner.

Applicants note that the renumbering of the claims has resulted in one additional dependent claim that may not have originally been included in the original fees calculated upon filing. Therefore, please charge Deposit Account No. 05-0765 of Electronic Data Systems Corporation \$18.00 for filing one additional dependent claim, if such fee has not yet been so charged. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account 05-0765 of Electronic Data Systems Corporation.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicants

Robin A. Brooks  
Reg. No. 44,563

214.953.6748  
robin.brooks@bakerbotts.com

Date: 27 June 2000

Send Correspondence to:

L. Joy Griebenow, Esq.  
Electronic Data Systems Corporation  
Legal Affairs, MS H3-A-05  
5400 Legacy Drive  
Plano, Texas 75024